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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,294	03/11/2002	Yuji Kakehi	2576-118	2437
6449	7590	04/11/2006	EXAMINER	
ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005			GHULAMALI, QUTBUDDIN	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/936,294	KAKEHI, YUJI	
	Examiner	Art Unit	
	Qutub Ghulamali	2611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-8 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-16 and 19-23 is/are allowed.
- 6) ☒ Claim(s) 8, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 3-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This Office Action is responsive applicant's Remarks/Amendments filed on 03/10/2006.

#### ***Claim Objections***

2. Claim 3 is objected to because of the following informalities: Claim 3, lines 5 and 9 recite "fame", should not it recite "frame"? Appropriate correction is required.

#### ***Response to Arguments/Amendments***

3. Applicant's request (see remarks/arguments pages 8-9) for reconsideration of the finality of the rejection of the last Office action with reference to rejection of claims 1, 2, 8, 10-13 and 15, under 35 U.S.C. § 103(a), has been considered and therefore, as a result, the finality of that action is withdrawn. The amendment after final has been entered.

However, the indicated allowability to claim 17 is hereby withdrawn. The rejection follows:

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2611

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shou et al (USP 5,910,948) in view of Lomp et al (USP 5,991,332).

Regarding claim 8, Shou discloses a mobile communication terminal comprising:

- a receiver (12) receiving a radio wave (11 ) from base stations (abstract; fig. 1; col. 3, lines 15-20, 45-48);
- a detector detecting spread codes from signals received by said receiver (col. 3, lines 45-63; col. 5, lines 60-67);
- a demodulator (30) demodulating the received signals with the spread codes detected by said detector (22, correlators 1-n) (col. 6, lines 18-37);
- a control unit (correlator controller) dividing a slot into a plurality of search ranges , deleting multipath in said search range, successively allowing demodulator (30) to demodulate the received signals and allowing decoder to decode the demodulated data (abstract; col. 3, lines 45-63; col. 4, lines 20-27; col. 6, lines 6-17). Shou however, is silent regarding:
- a decoder decoding data demodulated by said demodulator, and stopping signal processing of the cell search in response to detection of invalid cell code.

Lomp in a similar field of endeavor discloses,

- a decoder (fig. 15, elements 1713-1716) decoding data demodulated by said demodulator (col. 31, lines 1-15): and

Art Unit: 2611

successfully allowing demodulator to demodulate the received signals allowing decoder to decode the demodulated data processing of the cell search in response to detection of invalid cell code (match and dismiss) (col. 30, lines 57-67; col. 31, lines 1-4). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a decoder and stopping signal processing of the cell search as taught by Lomp in the circuit of Shou because it can allow decoding of encoded data in each of the received message channel and facilitate search process so that signal power level of despread associated code signal is optimized.

With reference to claim 17, Shou discloses a mobile communication terminal comprising:

a receiving radio signals (11 ) from base stations (abstract; fig. 1; col. 3, lines 15-20, 45-48);

detecting slot timings from said received signals (col. 3, lines 45-63; col. 5, lines 60-67);

detecting a plurality of paths within each slot (col. 3, lines 15-20, 47-50, 65-67);

detecting spread codes from said received signals (col. 6, lines 5-12, 33-35);

for each of the plurality of paths, deleting multipath of the spread codes already

detected within a predetermined time (col. 6, lines 28-43);

successively demodulating the received signals subjected to the deletion of the

multipath with said detected spread codes (col. 31, lines 1-15); and

decoding said demodulated data (col. 3, lines 1-15).

Regarding claim 18, Shou discloses decoding process is not performed if the newly detected code is the multipath (col. 6, lines 20-30).

***Allowable Subject Matter***

6. Claims 3-7 would be allowable if rewritten to overcome the claim objection highlighted above.
7. Claim 14-16 and 19-23 allowed.


***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qutub Ghulamali whose telephone number is (571) 272-3014. The examiner can normally be reached on Monday-Friday, 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QG.  
April 6, 2006.

  
JEAN B. CORRIELLUS  
PRIMARY EXAMINER  
4-8-06